

Town Board Minutes

April 19 2004

Meeting No. 14

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of April at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
DAVID BROWN, DIRECTOR OF ADMINISTRATION & FINANCE

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR to deliberate in Executive Session for the announced purpose of discussing a personnel matter in the Assessor’s Office and potential litigation, resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:53 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Orcutt, Chelsea, Depew Middle School student, winner of Sertoma Club essay contest read her essay entitled “Freedom Fighters”.

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- Questions about the proposed bicycle trail and the DL&W right-of-way land.
- Questions about the Hull house on Genesee Street which is owned by the Landmark Society; claims that a dump truck nearly skid into the house last week.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Questioned the maximum length of bonds for each of the bond resolutions proposed at this meeting.
- Questions about resolution requiring “Notification of Defects”.
- Questions about the additional hourly wage to be paid to the Town Attorney.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Inquired if Police Department grants include court time service of the officers.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Inquired if the Town Police will patrol for speed & seat belt use if they do not receive grants.
- Expressed concerns about volume of traffic on William Street.
- Pleased that the Town of Lancaster has memorialized the Governor regarding the location of the Casino in Town of Cheektowaga.
- Comments about the possibility of Erie County sharing the \$.01 sales tax with the City of Buffalo and will this cost the Town of Lancaster taxpayers in additional taxes.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

- Questions about state grants.
- Presented to the Town Board a grocery bag filled with garbage he said is generated by the Tops Warehouse.
- Stated that he does not want prisoners to clean up trash.

Howell, Gary, 48 Park Blvd, spoke to the Town Board on the following matters:

- Questions about the state grants being applied for regarding the police department.
- Questions about communications from NYS Office of Real Property Services.
- Questioned if GASB 34 will include the accrued employee benefits.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Questions about grant application regarding extra patrols to monitor seat belt use and speeding.
- Questioned what the cost of engineering will be for Salt Storage Shed noted in bond resolution.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held April 5, 2004 and the Regular Meeting of the Town Board held April 5, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	ABSTAINED
COUNCIL MEMBER RUFFINO	ABSTAINED
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, a proposed Local Law No. 3 of the Year 2004 entitled “NOTIFICATION OF DEFECTS”, and further designated as Chapter 14 of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Giza on the 15th day of March, 2004, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on April 5, 2004;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, Local Law No. 3 of the Year 2004, entitled “NOTIFICATION OF DEFECTS”, and designated as Chapter 14 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

NOTIFICATION OF DEFECTS

Chapter 14

NOTIFICATION OF DEFECTS

LOCAL LAW NO. 3 OF THE YEAR 2004

A LOCAL LAW TO PROVIDE THAT NO CIVIL ACTION SHALL BE MAINTAINED FOR DAMAGES OR INJURIES IN CONSEQUENCE OF ANY STREETS, SIDEWALKS, BUILDINGS OR OTHER FACILITIES BEING DEFECTIVE, OUT OF REPAIR, UNSAFE, DANGEROUS, OBSTRUCTED OR IN CONSEQUENCE OF ANY SNOW OR ICE THEREON UNLESS WRITTEN NOTICE WAS THERETOFORE GIVEN AND THERE WAS A FAILURE TO TAKE ACTION WITHIN A REASONABLE TIME.

§14 - 1. Legislative intent and purpose

§14 - 2. Conditions for civil action.

§14 - 3. Action upon receipt of notice.

§14 - 4. When effective.

BE IT ENACTED, by the Town Board of the Town of Lancaster, County of Erie, State of New York as follows:

§14 - 1. Legislative intent and purpose.

The purpose of this local law is to provide that no civil action shall be maintained for damages or injuries in consequence of any streets, sidewalks, buildings or other facilities being defective, out of repair, unsafe, dangerous, obstructed or in consequence of any snow or ice thereon unless written notice was theretofore given and there was a failure to take action within a reasonable time.

§14 - 2. Conditions for civil action.

- A. No civil action shall be maintained against the Town of Lancaster, any of its districts located therein or any town officer, agent or employee for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sign highway marking or device, sidewalk or crosswalk or any town building or facility being defective, out of repair, unsafe, dangerous or obstructed or in consequence of snow and ice thereon unless it appears that written notice of such defective, unsafe, dangerous or obstructed condition, or of the existence of the snow or ice, of such highway, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways of the Town of Lancaster and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be moved or place made otherwise reasonably safe.
- B. Such written notice shall be dated and signed and shall, among other things, specify the particular place and condition alleged to be out of repair, unsafe, dangerous or obstructed or the place and extent of the existence of the snow or ice and shall be actually given to the Town Highway Superintendent or Town Clerk.

§14 - 3. Action upon receipt of notice.

The Town Superintendent of Highways shall transmit in writing to the Town Clerk, within five days after receipt thereof, all written notices received by him pursuant to this chapter. The Town Clerk shall cause all written notices received by him or her pursuant to this chapter to be recorded and preserved pursuant to Town Law §65-a (4).

§14 - 4. When effective.

This chapter shall become effective upon filing with the Secretary of State.

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of the Local Law No. 3 of the Year 2004 on the Town Bulletin Board, and
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication, and
3. Maintain a file in the Town Clerk’s office on Local Law No. 3 of the Year 2004, with all proof of publication and posting required for adoption, and
4. File certified copies of Local Law No. 3 of the Year 2004 within ten (10) days of adoption with:
 - a) Town Clerk’s Office
 - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW No. 3
OF THE YEAR 2004

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on April 19, 2004, Local Law No. 3 of the Year 2004, entitled: “Notification of Defects”, briefly described as follows:

“A Local Law to provide that no civil action shall be maintained for damages or injuries in consequence of any streets, sidewalks, buildings or other facilities being defective, out of repair, unsafe, dangerous, obstructed or in consequence of any snow or ice thereon unless written notice was theretofore given and there was a failure to take action within a reasonable time.”

April 19, 2004

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

THIS IS TO CERTIFY, that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of Local Law No. 3 of the Year 2004, with the original thereof filed in my office at Lancaster, New York, on the 19th day of April, 2004, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 19th day of April, 2004.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Sidewalks and Streets Ordinance of the Code of the Town of Lancaster and has determined it to be in the public interest to amend Chapter 12, “SIDEWALKS AND STREETS” of the Code of the Town of Lancaster by deleting §12.2. (E) in its entirety and enacting in place thereof a new §12.2. (E) of Chapter 12, “SIDEWALKS AND STREETS” of the Code of the Town of Lancaster which shall read as follows:

CHAPTER 12 - SIDEWALKS AND STREETS

Section 12-2. Construction standards. of Chapter 12, “Sidewalks and Streets”, of the Code of the Town of Lancaster shall be amended by deleting Section 12-2. (E) in its entirety and enacting in place thereof a new Section 12-2. (E) as follows:

Section 12-2. Construction standards.

.....

E. All sidewalks shall be no less than four (4) inches in thickness, except that portion which is across a driveway, which shall be six (6) inches in thickness; all sidewalks shall be five (5) feet in width; provided, however, that the Town Board shall have the power to modify the above in all cases.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on a proposed amendment to the Town Ordinance entitled “Sidewalks and Streets”, Chapter 12 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of May, 2004, at 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such hearing be published on or before the 22nd of April, 2004, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 19th day of April, 2004, the said Town Board will hold a Public Hearing on the 3rd day of May, 2004 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Town Ordinance entitled: "Sidewalks and Streets" of the Town of Lancaster designated Chapter 12 of the Code of the said Town, as follows:

**CHAPTER 12
SIDEWALKS AND STREETS**

Section 12-2. Construction standards. of Chapter 12, "Sidewalks and Streets", of the Code of the Town of Lancaster shall be amended by deleting Section 12-2. (E) in its entirety and enacting in place thereof a new Section 12-2. (E) as follows:

"Section 12-2. Construction standards.

.....

E. All sidewalks shall be no less than four (4) inches in thickness, except that portion which is across a driveway, which shall be six (6) inches in thickness; all sidewalks shall be five (5) feet in width; provided, however, that the Town Board shall have the power to modify the above in all cases."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the State of New York Governor’s Traffic Safety Committee via the Buckle Up New York Program (BUNY) to improve enforcement of seat belt use, and

WHEREAS, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor’s Traffic Safety Committee for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, grant monies are available through the New York State Unified Court System to enhance the operation of municipal Justice Courts through the acquisition of a computer.

NOW THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT

WHEREAS, the Town of Lancaster seeks grant monies from the State of New York Governor’s Traffic Safety Committee via the Selective Traffic Enforcement Program (STEP) to reduce unsafe driving behaviors within the Town, and

WHEREAS, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving.

NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor’s Traffic Safety Committee for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Governmental Accounting Standards Board has issued new financial requirements under its statement GASB 34, and

WHEREAS, the Town of Lancaster must adopt certain provisions of the statement in the fiscal year ended December 31, 2003.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster hereby designates each of its funds as “major” funds in accordance with the provisions of GASB 34, to provide a framework for more detailed reporting of the Town’s operations, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster designates \$40,000 as a minimum capital expenditure, which would be recorded as a fixed asset for the purpose of GASB 34, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster adopts the following useful lives for depreciation purposes under GASB 34:

- Building and Improvements - 15-40 years
- Equipment - 3-25 years
- Infrastructure - 20-100 years

and,

BE IT FURTHER

RESOLVED, that the Town of Lancaster adopts the straight-line method of depreciating its assets for the purposes of GASB 34.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, women across the United States and around the world are joining the Red Hat Society, a California based organization whose concept is based on the poem entitled “Warning”, by Jenny Joseph, which reads in part, “Warning, when I am an old woman, I shall wear purple with a red hat.....” And whose motto is “Matriarchs Unite - There’s Fun After Fifty”, and

WHEREAS, the purpose of the meetings in this Society is for fun and frivolity and boasts over 20,000 chapters with memberships totaling 300,000 plus, and

WHEREAS, the Town of Lancaster, New York is the home of The Chablis’ Rouge Chapeaux, Chapter 7460 of said Society, and

WHEREAS, the Society has declared Sunday, April 25, 2004 National Red Hat Society Day.

NOW, THEREFORE, BE IT

RESOLVED, that in recognition of the Lancaster based Chablis’ Rouge Chapeaux, Chapter 7460 of the Red Hat Society, the Town Board of the Town of Lancaster hereby proclaims Sunday, April 25, 2004, National Red Hat Society Day and urges its citizens to greet anyone wearing purple and a red hat and to join in the frivolity.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation Department of the Town of Lancaster by letter dated April 15, 2004 has recommended the appointment of Joseph Dennis, Sr. to the position of Van Driver, permanent, part- time, at the Senior Citizens Center of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that **Joseph Dennis**, 59 W. Drullard Avenue, Lancaster, New York be and is hereby appointed to the position of Van Driver, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster, effective retroactive to April 6, 2004, at \$7.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Attorney continues to perform functions assigned to the Deputy Town Attorney due to the employment hours and reduced salary of the Deputy Town Attorney, and

WHEREAS, the Town Board desires to continue the previous compensation arrangement with the Town Attorney for his additional hours;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes payment to the Town Attorney at \$50 per hour for all additional hours worked on matters related to the Deputy Town Attorney position, not to exceed \$6,000 annually. Said additional hours to be maintained and submitted biweekly.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief, by letter dated April 16, 2004, has requested the appointment of a seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed to the position of seasonal employee for the summer season of 2004 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Shawn Zaffram (rehire) 28 Tanglewood Drive Lancaster, New York	Laborer	\$9.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

File: Rpers.seasonal (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, it has been made public that the Seneca Nation is considering the development of a casino in the Town of Cheektowaga, and

WHEREAS, the Town Board has duly reviewed this plan and believes that it is not in the interest of the residents of the Town of Lancaster to have a casino located on Genesee Street east of the Buffalo International Airport because of its close proximity to Lancaster which has the potential to cause nearby residential neighborhoods adverse impacts;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board publicly opposes the location of a casino style development in the Town of Cheektowaga as proposed on Genesee Street east of the airport for the reason that such a development can have a potentially significant and adverse impact on nearby residential neighborhoods in the Town of Lancaster and correspondingly in the Town of Cheektowaga, such adverse impacts including but not limited to increased traffic, increased crime rates and possible impacts on property values;

AND BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes New York State Governor George Pataki to cause state agencies to require a complete environmental review of this proposed project, as well as traffic impact studies and other adverse impact studies as are determined to be appropriate and that the State take whatever steps are necessary to delay this proposed development until all reviews are completed and evaluated.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 8242 to Claim No. 8465 Inclusive

Total amount hereby authorized to be paid: \$2,642,364.11

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER STEMPNIAK, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER MONTOUR, TO WIT:
RESOLVED that the following Building Permit applications be and are hereby
 reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12_1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11546	Colley's Pool Sales Inc	11 Thomas Dr	Er. Fence	
11547	Colley's Pool Sales Inc	11 Thomas Dr	Er. Pool_In Grnd	
11548	Iroquois Fence Co	14 Trentwood Trl	Er. Fence	
11549	Iroquois Fence Co	65 Michael Anthony	Er. Fence	
11550	Jandzinski, Bernard	185 Siebert Rd	Dem. Barn	
11551	Buscaglia Decks	21 Apple Blossom	Er. Deck	
11552	Harrigan, Daniel	19 Cemetery Rd	Er. Res. Add.	
11553	Lehigh Construction	4334 Walden Ave	Er. Comm. Add.	
11554	Adamec, Todd	728 Aurora St	Er. Res. Add.	
11555	Capital Fence	303 Enchanted Forest	Er. Fence	
11556	Palumbo, Daniel	24 Brunck Rd	Alter Roof Line	
11557	Kuberski, Keith	220 Central Ave	Dem. Shed	(V/L)
11558	Kuberski, Keith	220 Central Ave	Er. Shed	(V/L)
11559	Iroquois Fence Co	60 Village View	Er. Fence	
11560	Pikula, Eric	198 Brunck Rd	Er. Dwlg._Sin.	
11561	American Fence	49 Old Post Rd	Er. Fence	
11562	Bainbridge Crew	16 Winding Way	Er. Res. Add.	
11563	Powell, R	84 Steinfeldt Rd	Er. Fence	
11564	Palmer, Daniel	2035 Como Park Blvd	Er. Fence	(V/L)
11565	Iroquois Fence Co	6 Deepwood Pl	Er. Fence	
11566	American Handyman	173 Enchanted Forest S	Er. Shed	
11567	Piasecki, Richard	807 Ransom Rd	Er. Deck	
11568	Buscaglia Decks	40 Trentwood Trl N	Er. Deck	
11569	Iroquois Fence Co	1 Park Walk	Er. Fence	
11570	Majestic Pools Inc	144 Peppermint Rd	Er. Pool_In Grnd	
11571	Creative Fence Co Inc	144 Peppermint Rd	Er. Fence	
11572	Majestic Pools Inc	17 Grace Way	Er. Pool_In Grnd	
11573	Creative Fence Co Inc	17 Grace Way	Er. Fence	
11574	Iroquois Fence Co	36 Michael's Walk	Er. Fence	
11575	Maryanski, Robert	31S Irwinwood Rd	Er. Shed	(V/L)
11576	Tredo, Donald	6 Via Donato W	Er. Pool_Abv Grnd	

11577	Spyres, David	243 Lake Ave	Er. Pool_Abv Grnd (V/L)
11578	Andrus, Kenneth Jr	43 Cedar Brook Dr	Er. Deck
11579	F & D Construction	14 Butler Dr	Er. Res. Add.
11580	Mr Pool Enterprises	17 Brunck Rd	Er. Pool_In Grnd
11581	Mr Pool Enterprises	17 Brunck Rd	Er. Fence
11582	Fruck, Daniel	54 Creekwood Dr	Er. Res. Add.
11583	Zeollz Construction	23 Windsor Ridge Dr	Er. Deck
11584	Penska, Daniel	15 Willow Ridge Ln	Er. Res. Add.
11586	Cox, Bonnie	19 Elm Pl	Er. Res. Alt. (V/L)
11587	Krause, Michael	40 Michael's Walk	Er. Shed
11588	Gubala, Peter	5608 Broadway	Dem. Garage
11589	Love Joy Gospel Church	5423 Genesee St	Er. Sign_Temp
11590	Scranton, Douglas	75 Stony Brook Dr	Er. Deck
11591	Keopf, Donald	29 Lombardy St	Er. Shed (V/L)
11592	Vella, Carl	23 Windsor Ridge Dr	Er. Fence
11593	Zeolla Construction	23 Windsor Ridge Dr	Er. Shed
11594	Brimo, Carl	62 Grant Ave	Er. Fence (V/L)
11595	Colley's Pool Sales Inc	20 Fox Trace	Er. Pool_In Grnd
11596	Colley's Pool Sales Inc	20 Fox Trace	Er. Fence
11597	Banach, Joseph	113 Irwinwood Rd	Er. Fence (V/L)
11598	McGovern, Timothy	1 Nottingham Ln	Er. Fence
11599	Rosewood Signs	4805 Transit Rd	Er. Sign

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 19, 2004
File: Rbldg2

COMMUNICATIONS & REPORTS:

174. Town Clerk to Town Board -
Transmittal of second settlement of the 2004 Town/County Tax Collection.
DISPOSITION = Received & Filed
175. Nanette M. Hanley to Town Board -
Notice of intention to retire effective May 31, 2004. DISPOSITION = Received & Filed
176. People Inc. to Supervisor -
Transmittal of information regarding proposed Respite Center, 5182 Genesee Street.
DISPOSITION = Town Attorney
177. Association of Erie County Governments to Town Board -
Notice of meeting, April 22, 2004 at 6:30 PM. DISPOSITION = Received & Filed
178. General Crew Chief to Supervisor -
Request appointment of Joseph Dennis, Sr. Van Driver, permanent, part-time.
DISPOSITION = Resolution 4/19/04
179. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department of site plan for Buffalo Suburban Seventh Day Adventist Church, N.S. Genesee Street. DISPOSITION = Planning Committee
180. Highway Superintendent to Planning Board Chairman -
Notice of approval from Town Highway Department of site plan for Elderwood Health Care addition, N.S. Como Park Boulevard. DISPOSITION = Planning Committee
181. Highway Superintendent to Town Board -
Request resolution regarding speed limit on Gunnville Road. DISPOSITION = Police Chief
182. Town Clerk to Various News Media -
Notice of joint meeting of Town Board and Village Board of Lancaster, April 21, 2004, 7:30 PM at Municipal Building regarding police merger. DISPOSITION = Received & Filed
183. NYS Office of Real Property Services to Supervisor -
Notification of Residential Assessment Ratio for Town. DISPOSITION = Received & Filed
184. NYS Office for Technology to Supervisor -
Transmittal of Scoping Document and notice of scoping session of proposed Statewide Wireless Network. DISPOSITION = Town Attorney
185. NYS Office of Cyber Security & Critical Infrastructure Coordination to Town Board -
Notice of 2004 NYS Cyber Security Conference, April 21, 2004 in Albany.
DISPOSITION = Town Attorney
186. Executive Director, Depew-Lancaster Boys & Girls Club Inc. to Town Board -
Request permission to hold 27th Annual 10K Race, July 4, 2004. DISPOSITION = Police Chief
187. Erie County Clerk to Town Board -
Notification of appointments to Board of Managers for Erie County Sewer District No. 4. DISPOSITION = Received & Filed

- 188. NYS Office of Real Property Services to Supervisor -
Transmittal of Notice of Tentative Special Franchise Assessments for 2004.
DISPOSITION = Received & Filed
- 189. Veterans of Foreign Wars, Post #7275 to Town Board -
Invitation to attend Memorial Day Celebration, May 31, 2004 at 9:00 AM.
DISPOSITION = Received & Filed
- 190. Village of Lancaster Transition Committee Chairman to Supervisor -
Transmittal of draft agenda for meeting regarding police merger, April 21, 2004 at
7:30 PM. DISPOSITION = Received & Filed
- 191. General Crew Chief to Supervisor -
Request appointment of a seasonal employee in Parks and Recreation Department.
DISPOSITION = Resolution 4/19/04

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY
COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 10:53
P.M.**

Signed _____
Johanna M. Coleman, Town Clerk